

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE.:

JONATHAN ARROYO MUNIZ

XXX-XX-4007

DEBTOR

CASO NO. 20-00697

CHAPTER 13

**MOTION FOR CONTINUATION OF THE AUTOMATIC STAY IN CASE FILED
AFTER PRIOR DISMISSAL WITHIN ONE YEAR OF FILING**

TO THE HONORABLE COURT:

HERE COMES NOW DEBTORS JONATHAN ARROYO MUNIZ (“THE DEBTOR”)
through the undersigned attorney and very respectfully **STATES, ALLEGES AND PRAYS** as
follows:

1. The Debtor notified all creditors and parties in interest and hereby moves this Court, pursuant to §362(c) (B), for an order continuing the stay provided under §362(a) as to all creditors. In support of this motion, the Debtor states as follows:
2. The Debtor has filed this Chapter 13 Bankruptcy on **February 13, 2020**. The Debtor previously filed a Chapter 11 Bankruptcy Case, which was dismissed on January 27, 2020.
3. In the previous case the Debtor could not comply with the economic burden on a Chapter 11 case, and he qualifies for a Chapter 13 Individual Debtor.
4. Debtor may comply with this case since he now has a steady income, and he will not keep any properties that are not necessary for the affective reorganization.

5. The filing of a petition for bankruptcy stays collection actions against the Debtors, Debtor's property, and property of the bankruptcy estate. *See*, 11 U.S.C. § 362(a)
6. However, section 362(c)(3)(A) states that "the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case." 11 U.S.C. § 362(c)(3)(A)
7. The stay may be extended, only if the debtor or a creditor shows, before the end of the thirty-day period, that the filing of the second case is in good faith. *See*, 11 U.S.C. § 362(c)(3)(B)
8. The United States Court of Appeals for the First Circuit has recently decided that if the procedure to extend the stay is not successfully invoked, section 362(c)(3)(A) terminates the entire stay thirty days after the filing of a second petition. *See*, *Smith v. Maine Bureau of Rev. Servs. (In re Smith)*, 2018 WL 6520887 (1st Cir. Dec. 12, 2018)
9. Section 362(j) states that on request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.

WHEREFORE, Debtors very respectfully request that this Honorable Court grant the Continuation of the Automatic Stay under section §362(a) as to all creditors for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under section §362(c) (1) or (c) (2), or a motion for relief of stay is granted under §362(d).

NOTICE OF RESPONSE TIME

Within fourteen (14) days after service as evidenced by this certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the US Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Certificate of Service

I hereby certify: that on this date, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **United States Trustee**, all attorneys that have filed notice of appearance and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants and to all creditors and parties in interest as per attached master address list.

RESPECTFULLY SUBMITTED.

In Mayagüez, Puerto Rico this 13th day of February 2020.

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CERTIFICATE OF SERVICE

Notice is hereby given to all creditors and parties in interest that on **February 13, 2020**. Debtors filed a **Motion for Continuation of the Automatic Stay in Case Filed after Prior Dismissal within One Year of Filing** as to all Creditors. Creditors and parties in interest are hereby granted (14) fourteen days from the date of the notice to request a hearing. If no opposition is filed within the prescribed period of time this Honorable Court will enter an Order Granting the Motion, upon the filing of a Certificate of Service by movant of adequate notice as contested matter. Absent good cause, untimely rejections shall be denied.

RESPECTFULLY SUBMITTED.

In Mayagüez, Puerto Rico this 13th day of February 2020.

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